

Joyce W. Lindauer
State Bar No. 21555700
Jeffery M. Veteto
State Bar No. 24098548
Rick Musal
State Bar No. 24007723
Joyce W. Lindauer Attorney, PLLC
12720 Hillcrest Road, Suite 625
Dallas, Texas 75230
Telephone: (972) 503-4033
Facsimile: (972) 503-4034
PROPOSED ATTORNEYS FOR DEBTOR

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

KOKB MEDICAL PROPERTIES, L.L.C.,

Debtor.

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§

**CASE NO. 18-33649-hdh
Chapter 11**

DEBTOR'S APPLICATION TO EMPLOY COUNSEL

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1100 COMMERCE STREET, ROOM 1254, DALLAS, TEXAS 75242 ON OR BEFORE DECEMBER 18, 2018, WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW KOKB Medical Properties, L.L.C. (“Debtor”), Debtor in the above-styled and numbered case, and file Debtor’s Application to Employ Counsel, and in support of same would respectfully show the Court as follows:

1. Debtor filed a voluntary petition under Chapter 11, title 11, of the United States Bankruptcy Code on November 5, 2018, in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division.

2. In order to effectuate a reorganization, propose a Plan of Reorganization and effectively move forward in its bankruptcy proceeding, Debtor desires to hire Joyce W. Lindauer Attorney, PLLC as counsel in this matter.

3. Joyce W. Lindauer is the owner of Joyce W. Lindauer Attorney, PLLC and is an attorney practicing primarily bankruptcy law at 12720 Hillcrest Road, Suite 625, Dallas, Texas 75230, (972) 503-4033. Jeffery M. Veteto and Rick Musal are contract attorneys working in the capacity as associate attorneys for Joyce W. Lindauer Attorney, PLLC. Ms. Lindauer has taken measures to ensure that they are not working on any projects or cases for anyone else that would create a conflict with their involvement with this case.

4. Ms. Lindauer, Mr. Veteto and Mr. Musal are to be referred to herein as “Counsel”.

5. Counsel have been chosen by Debtor in that they are experienced in bankruptcy matters and have represented debtors and debtors-in-possession in numerous proceedings before the bankruptcy courts. The Debtor seeks to retain Counsel to represent it in this matter.

6. Pursuant to Bankruptcy Rule 2014(a), the Affidavits of Joyce W. Lindauer, Jeffery M. Veteto and Rick Musal are attached hereto as **Exhibits “A,” “B” and “C,”** respectively, and attest that they and the members of Joyce W. Lindauer Attorney, PLLC do not presently hold or

represent any interest adverse to the interests of the Debtor or its estate and are disinterested within the meaning of 11 U.S.C. § 101(14) to the best of their knowledge, information, and belief.

7. Joyce W. Lindauer Attorney, PLLC has been paid a retainer of \$6,717.00, which included the filing fee of \$1,717.00, in connection with this proceeding. The Statement required to be filed pursuant to Bankruptcy Rule 2016 is on file in this proceeding.

8. Counsel has agreed to represent the Debtor on the terms set forth in this Application. The compensation to be paid to Ms. Lindauer shall be \$395.00 per hour. The hourly rates for contract associate attorneys are as follows: Mr. Veteto shall be \$195.00 per hour and Mr. Musal shall be \$250.00 per hour. Paralegals and legal assistants are billed at \$65.00 to \$125.00 per hour depending on their years of experience and level of skill. This case will be primarily handled by Dian Gwinnup who is billed at \$125.00 per hour.

9. These hourly rates are those regularly charged by Counsel for services rendered by the respective partners, associates, paralegals, and legal assistants for legal services rendered in similar bankruptcy matters. The hourly rates may be modified by Counsel in the ordinary course of their business. The charges for such services are fair and reasonable and within the normal range for services rendered in similar cases within the Northern District of Texas. The Debtor has agreed to reimburse Counsel for all reasonable out-of-pocket expenses incurred on Debtor's behalf.

10. Pursuant to the provisions of Bankruptcy Rule 2016(b) and Bankruptcy Code § 330, Counsel will file with the Court requests for allowance of payment of fees and expenses incurred by them during the pendency of this bankruptcy matter.

11. Debtor believes the employment of Counsel is in the best interest of the Debtor's bankruptcy estate. Further, the Debtor believes it is necessary to retain Counsel immediately for

the purpose of proposing a Plan of Reorganization and defending the Debtor in various matters arising in this case.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully requests this Court to enter an Order approving the employment of Joyce W. Lindauer Attorney, PLLC as counsel for Debtor, upon the terms and conditions contained herein, and for such other and further relief, at law or in equity, to which Debtor may show itself justly entitled.

Dated: November 27, 2018.

Respectfully submitted,

/s/ Joyce W. Lindauer
Joyce W. Lindauer
State Bar No. 21555700
John R. Musal, Jr.
State Bar No. 24007723
Jeffery M. Veteto
State Bar No. 24098548
Joyce W. Lindauer Attorney, PLLC
12720 Hillcrest Road, Suite 625
Dallas, Texas 75230
Telephone: (972) 503-4033
Facsimile: (972) 503-4034
PROPOSED ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 27, 2018, a true and correct copy of the foregoing document was served via United States first class mail, postage prepaid, upon the U.S. Trustee and the parties on the attached service list.

/s/ Joyce W. Lindauer
Joyce W. Lindauer

Joyce W. Lindauer
State Bar No. 21555700
Jeffery M. Veteto
State Bar No. 24098548
Rick Musal
State Bar No. 24007723
Joyce W. Lindauer Attorney, PLLC
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**CASE NO. 18-33649-hdh
Chapter 11**

AFFIDAVIT OF JOYCE W. LINDAUER

STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME the undersigned authority, on this day personally appeared the undersigned affiant, who by me sworn, upon oath stated:

1. “My name is Joyce W. Lindauer and I am over eighteen (18) years of age. I am duly admitted to practice law in the State of Texas and the United States Bankruptcy Court for the Northern District of Texas. I am the owner of the law practice Joyce W. Lindauer Attorney, PLLC (the “Firm”) and office at 12720 Hillcrest Road, Suite 625, Dallas, Texas 75230. Jeffery M. Veteto and Rick Musal are contract attorneys working in the capacity as associate attorneys for Joyce W. Lindauer Attorney, PLLC. I have taken measures to ensure that they are not working on any projects or cases for anyone else that would create a conflict with their involvement with this case.



2. I have never been convicted of a crime and am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein and they are all true and correct to the best of my knowledge. I make this Affidavit in support of the Debtor's Application to Employ Counsel.

3. Neither I, nor any member of the Firm nor contract attorney, is a creditor, equity security holder, or an insider of the Debtor. Neither I, nor any member of the Firm nor contract attorney, are and have not been within two (2) years prior to the filing of the petition, a director, officer or employee of the Debtor.

4. Neither I, nor any member of the Firm nor contract attorney, hold any interest adverse to the estate, or of any class of creditors or equity security holders by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor in the above-styled bankruptcy case and in the matters upon which the Firm is to be engaged as attorney for Debtor.

5. Neither I, Joyce W. Lindauer Attorney, PLLC, nor any partner, counsel, associate or contract attorney thereof, insofar as I have been able to ascertain, have any connection with the Debtor or its creditors, the United States Trustee, persons employed in the United States Trustee's office, or any other potential parties-in-interest herein, or their respective attorneys.

6. Additionally, the proposed employment of the Firm is not prohibited by or improper under Bankruptcy Rule 5002. I am not related, and to the best of my knowledge, no attorney at the Firm nor contract attorney is related, to any United States Bankruptcy Judge or District Court Judge for the Northern District of Texas or the United States Trustee for such district or any employee in the office thereof.

7. To the best of my knowledge, I and each member of the Firm and contract attorney is presently a disinterested person as defined in Section 101(14) of the Bankruptcy Code.

8. The disclosures identified above are based upon all information reasonably available to the Firm at the time of submission of this Affidavit. To the extent necessary, the Firm will supplement this Affidavit as may be required by the Bankruptcy Code and Bankruptcy Rules if and when any other relationships exist or are modified such that further disclosure is required.

9. Subject to Court approval, and in accordance with § 330(a) of the Bankruptcy Code, compensation will be payable to the Firm on an hourly basis, plus reimbursement of actual, necessary expenses incurred by the Firm. The primary attorneys and paralegal within the Firm who will represent the Debtors and their hourly rates are set forth below.

Joyce W. Lindauer	\$395.00
Jeffery M. Veteto, Contract Attorney	\$195.00
Rick Musal, Contract Attorney	\$250.00
Dian Gwinnup, Paralegal	\$125.00

10. These hourly rates are those regularly charged by the Firm for services rendered by the respective partners, associates, contract attorneys, paralegals, and legal assistants for legal services rendered in similar bankruptcy matters. The hourly rates may be modified by the Firm in the ordinary course of its business. The charges for such services are fair and reasonable and within the normal range for services rendered in similar cases within the Northern District of Texas. The Debtor has agreed to reimburse the Firm for all reasonable out-of-pocket expenses incurred on Debtor's behalf.

11. Prior to the petition date, the Firm received a retainer of \$6,717.00, which included the filing fee of \$1,717.00, in connection with this proceeding. The Statement required to be filed pursuant to Bankruptcy Rule 2016 is on file in this proceeding.

12. No promises have been received by the Firm, nor any partner, counsel, associate, nor contract attorney thereof, as to compensation in connection with this case other than in

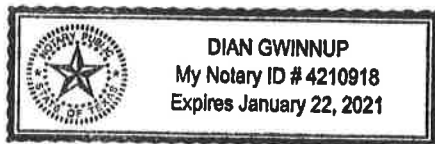
accordance with the provisions of the Bankruptcy Code. The Firm has no agreement with any other entity to share with such entity any compensation received by the Firm in connection with this case.

EXECUTED this 27th day of November, 2018.

Joyce W. Lindauer

Joyce W. Lindauer

Subscribed and sworn to before me this 27th day of November, 2018.



Dian Gwinnup

Notary Public in and for the State of Texas

Notary ID No. 4210918

Printed Name: Dian Gwinnup

My Commission Expires: January 22, 2021

Joyce W. Lindauer
State Bar No. 21555700
Jeffery M. Veteto
State Bar No. 24098548
Rick Musal
State Bar No. 24007723
Joyce W. Lindauer Attorney, PLLC
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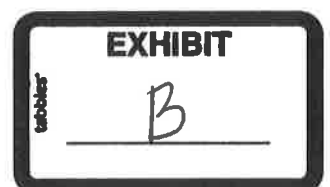
AFFIDAVIT OF JEFFERY M. VETETO

STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME the undersigned authority, on this day personally appeared the undersigned affiant, who by me sworn, upon oath stated:

1. “My name is Jeffery M. Veteto and I am over eighteen (18) years of age. I am duly admitted to practice law in the State of Texas and the United States Bankruptcy Court for the Northern District of Texas. I am a contract attorney working in the capacity as an associate attorney at Joyce W. Lindauer Attorney, PLLC (the “Firm”) and office at 12720 Hillcrest Road, Suite 625, Dallas, Texas 75230.

2. I have never been convicted of a crime and am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein and they are all true and correct



to the best of my knowledge. I make this Affidavit in support of the Debtor's Application to Employ Counsel.

3. I am not a creditor, equity security holder, or an insider of the Debtor. I have not been within two (2) years prior to the filing of the petition, a director, officer or employee of the Debtor.

4. I do not hold any interest adverse to the estate, or of any class of creditors or equity security holders by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor in the above-styled bankruptcy case and in the matters upon which I am to be engaged as attorney for Debtor.

5. I do not have any connection with the Debtor or its creditors, the United States Trustee, persons employed in the United States Trustee's office, or any other potential parties-in-interest herein, or their respective attorneys.

6. My proposed employment is not prohibited by or improper under Bankruptcy Rule 5002. I am not related to any United States Bankruptcy Judge or District Court Judge for the Northern District of Texas or the United States Trustee for such district or any employee in the office thereof.

7. I am a disinterested person as defined in Section 101(14) of the Bankruptcy Code.

8. The disclosures identified above are based upon all information reasonably available to me at the time of submission of this Affidavit. To the extent necessary, I will supplement this Affidavit as may be required by the Bankruptcy Code and Bankruptcy Rules if and when any other relationships exist or are modified such that further disclosure is required.

9. Subject to Court approval, and in accordance with § 330(a) of the Bankruptcy Code, compensation will be payable to the Firm on an hourly basis, plus reimbursement of actual,

necessary expenses incurred by the Firm. The primary attorneys and paralegal within the Firm who will represent the Debtor and their hourly rates are set forth below.

Joyce W. Lindauer	\$395.00
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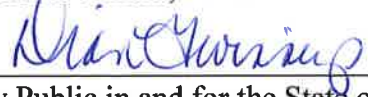
12. No promises have been received by the Firm, nor any partner, counsel, associate, nor contract attorney thereof, as to compensation in connection with this case other than in accordance with the provisions of the Bankruptcy Code. I and the Firm have no agreement with any other entity to share with such entity any compensation received by the Firm in connection with this case.

EXECUTED this 27 day of November, 2018.



Jeffery M. Veteto

Subscribed and sworn to before me this 27th day of November, 2018.

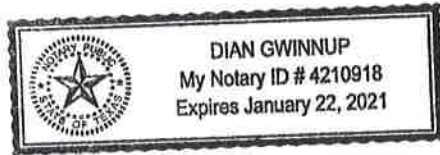


Notary Public in and for the State of Texas

Notary ID No. 4210918

Printed Name: Dian Gwinnup

My Commission Expires: January 22, 2021



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State Bar No. 24098548
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**CASE NO. 18-33649-hdh
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AFFIDAVIT OF RICK MUSAL

STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME the undersigned authority, on this day personally appeared the undersigned affiant, who by me sworn, upon oath stated:

1. “My name is Rick Musal and I am over eighteen (18) years of age. I am duly admitted to practice law in the State of Texas and the United States Bankruptcy Court for the Northern District of Texas. I am a contract attorney working in the capacity as an associate attorney at Joyce W. Lindauer Attorney, PLLC (the “Firm”) and office at 12720 Hillcrest Road, Suite 625, Dallas, Texas 75230.

2. I have never been convicted of a crime and am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein and they are all true and correct



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4. I do not hold any interest adverse to the estate, or of any class of creditors or equity security holders by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor in the above-styled bankruptcy case and in the matters upon which I am to be engaged as attorney for Debtor.

5. I do not have any connection with the Debtor or its creditors, the United States Trustee, persons employed in the United States Trustee's office, or any other potential parties-in-interest herein, or their respective attorneys.

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7. I am a disinterested person as defined in Section 101(14) of the Bankruptcy Code.

8. The disclosures identified above are based upon all information reasonably available to me at the time of submission of this Affidavit. To the extent necessary, I will supplement this Affidavit as may be required by the Bankruptcy Code and Bankruptcy Rules if and when any other relationships exist or are modified such that further disclosure is required.

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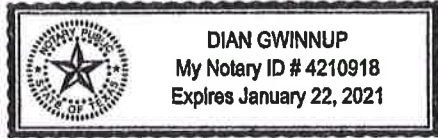
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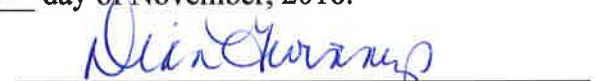
12. No promises have been received by the Firm, nor any partner, counsel, associate, nor contract attorney thereof, as to compensation in connection with this case other than in accordance with the provisions of the Bankruptcy Code. I and the Firm have no agreement with any other entity to share with such entity any compensation received by the Firm in connection with this case.

EXECUTED this 27 day of November, 2018.


Rick Musal

Subscribed and sworn to before me this 27th day of November, 2018.




Notary Public in and for the State of Texas
Notary ID No. 4210918
Printed Name: Dian Gwinnup
My Commission Expires: January 22, 2021

Label Matrix for local noticing

0539-3

Case 18-33649-hdh11

Northern District of Texas

Dallas

Tue Nov 27 15:41:28 CST 2018

1100 Commerce Street

Room 1254

Dallas, TX 75242-1305

Dallas County

Linebarger Goggan Blair & Sampson, LLP

c/o Elizabeth Weller

2777 N Stemmons Frwy Ste 1000

Dallas, Texas 75207-2328

Internal Revenue Service

Mail Code DAL-5020

1100 Commerce Street

Dallas, Texas 75242-1100

Texas Workforce Commission

101 East 15th Street

Austin, TX 78778-0001

United States Trustee

1100 Commerce Street

Room 976

Dallas, TX 75242-0996

Dallas County

Linebarger Goggan Blair & Sampson, LLP

c/o Elizabeth Weller

2777 N Stemmons Frwy Ste 1000

Dallas, TX 75207-2328

Attorney General of Texas

Bankruptcy Division

P O Box 12548

Austin, TX 78711-2548

Hunt County

Linebarger Goggan Blair & Sampson, LLP

c/o Elizabeth Weller

2777 N Stemmons Frwy Ste 1000

Dallas, Texas 75207-2328

Linebarger Goggan Blair & Sampson

2777 N. Stemmons Freeway

Suite 1000

Dallas, TX 75207-2328

U. S. Attorney General

Department of Justice

Main Justice Building

10th & Constitution Ave., NW

Washington, DC 20530-0001

Joyce W. Lindauer

Joyce W. Lindauer Attorney, PLLC

12720 Hillcrest Road

Suite 625

Dallas, TX 75230-2163

KOKB Medical Properties, L.L.C.

3534 N. Hampton Road

Dallas, TX 75212-2442

DTC Partners LLC

c/o Rachel Donnelly

Hughes, Watters & Askanas, LLP

1201 Louisiana, Suite 2800

Houston, TX 77002-5607

Internal Revenue Service

Centralized Insolvency Operations

PO Box 7346

Philadelphia, PA 19101-7346

(p)TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION

PO BOX 13528

AUSTIN TX 78711-3528

U. S. Trustee's Office

1100 Commerce Street

Room 976

Dallas, TX 75242-1011

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Texas Comptroller of Public Accounts

Revenue Accting Div - Bankr Section

PO Box 13528

Austin, TX 78711-3528

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)DTC PARTNERS LLC

End of Label Matrix

Mailable recipients 16

Bypassed recipients 1

Total 17